

USSN: 09/812,034

Filing Dat : March 19, 2001

REMARKS

Claims 30, 31 and 53-60 are pending. Claims 32-50 and 54-55 have been canceled in this Amendment. New Claims 61-86 are added herein.

Support for the amendments to Claims 30 and 31 may be found in the Specification at pages 7, lines 4-13; page 10, lines 5-30; and page 14, lines 9-21. Support for the amendment to Claim 53 may be found in the Specification at page 7, lines 18-26 and page 10, lines 5-30. Support for the amendment to Claim 56 may be found in the Specification at page 7, lines 8-13 and 18-26 and page 10, lines 5-30.

Support for new claims 61,63-69, and 71-77 may be found in original claims 32-46 and in the Specification beginning at page 7, line 27, ending on page 8, line 11; page 8, lines 9-11; page 17, lines 8-34; page 18, lines 1-19; page 19, lines 5-13; page 23, lines 7-10; page 26, lines 22-30; page 28, lines 24-29; beginning on page 28, line 30, ending on page 29, line 8; page 30, lines 24-32; page 34, lines 5-8; page 36, lines 21-25; and page 85, lines 13-31.

Support for new claims 78-86 may be found in the Specification at page 7, lines 8-17; page 8, lines 9-11; page 11, lines 9-16; page 13, lines 21-33; page 14, lines 9-35; and page 15, lines 1-12. Applicants submit that no new matter has been added by this amendment.

No new matter has been added by the amendments to the claims. Applicants respectfully submit that inventorship has not been changed by the amendments to the claims.

CLAIM OBJECTIONS

Applicants respectfully submit that Claims 45 and 46 have been canceled making the objection moot.

Rejection under 35 U.S.C. § 112, second paragraph

Without admitting the propriety of the rejection and without disclaimer, Claims 47-50 have been canceled by this Amendment. Thereby making the rejection moot.

Claims 40, 57 and 58 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the present invention. Claim 40 has been amended to recite, "A method according to claim 36," instead of "A method according to claim 35." The antecedent basis has been corrected by this Amendment thereby making Claim 40 definite and more clearly describing the claimed invention.

Claims 57 and 58 were rejected as being indefinite for reciting "said first and second sets of rotamers." Claims 57 and 58 have been amended to recite "said amino acid side chains." Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of Claims 40, 57 and 58 under 35 U.S.C. § 112, second paragraph, in light of the above amendments.

USSN: 09/812,034
Filing Date: March 19, 2001

DOUBLE PATENTING

Claims 30-52 have been rejected under obviousness-type double patenting as being unpatentable over Claims 1-23 of U.S. Patent No. 6,269,312. Claims 30-52 have been canceled by this Amendment. Claims 61-79 have been added in this response.

Claims 53-55 have been rejected under obviousness-type double patenting as being unpatentable over Claim 2 of U.S. Patent No. 6,269,312.

Claims 56-60 have been rejected under obviousness-type double patenting as being unpatentable over Claims 2, 7, and 12 of U.S. Patent No. 6,269,312.

Applicants respectfully submit that a draft terminal disclaimer is being filed herewith for the Examiner's review, thereby making the double patenting rejection moot.

In light of the terminal disclaimer, Applicants respectfully request reconsideration and withdrawal of the double patenting rejection over the referenced claims of the '312 patent.

The Applicants submit that in light of the above-amendment and argument, the claims are now in condition for allowance and an early notification of such is respectfully solicited.

Please direct any calls in connection with this application to the undersigned at (626) 737-8019.

Dated: August 11, 2003
Xencor
111 W. Lemon Avenue
Monrovia, California 91016
Phone: (626) 737-8019
Fax: (626) 256-3760

Respectfully submitted,

By: 
Joyce L. Morrison, Reg. No. 31,902